

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

TIERRE HILL

PLAINTIFF

V.

CIVIL ACTION NO. 5:20-cv-114-DCB-MTP

SHUNLEKEE PENDLETON

DEFENDANT

Order Adopting Report and Recommendation

This matter is before the Court on Defendant's Motion to Dismiss [ECF No. 11] and Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 15], to which no objections have been filed by the Plaintiff. Judge Parker recommends that the Complaint be dismissed with prejudice for failure to state a claim that is cognizable under 42 U.S.C. § 1983. Additionally, Judge Parker recommends that the dismissal count as a "strike" pursuant to 28 U.S.C. § 1915(g). Having carefully reviewed the same, the Court finds that Magistrate Judge Parker's Report and Recommendation is well taken and shall be adopted as the findings and conclusions of this Court.

Accordingly,

IT IS HEREBY ORDERED AND ADJUDGED that Magistrate Judge Michael T. Parker's Report and Recommendation is ADOPTED as the findings and conclusions of this Court.

IT IS FURTHER ORDERED that the Defendant's Motion to Dismiss [ECF No. 11] is GRANTED and the Plaintiff's Complaint [ECF No. 1] is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the Plaintiff will receive a strike pursuant to 28 U.S.C. § 1915(g).

A final judgment shall be entered of even date herewith in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 28<sup>th</sup> day of January, 2021.

    /s/ David Bramlette    

UNITED STATES DISTRICT COURT